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Defendant in Propria Persona

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

TODD R.G. HILL,

Plaintiff,

vs.

THE BOARD OF DIRECTORS,  
OFFICERS AND AGENTS AND  
INDIVIDUALS OF THE PEOPLES  
COLLEGE OF LAW ET AL.,

Defendants.

Case No. CV23-1298-JLS(PDx)

**DEFENDANT SPIRO'S MOTION  
UNDER F.R.C.P. 41(b) AND 12(b)(6)  
TO DISMISS WITH PREJUDICE  
PLAINTIFF'S SECOND AMENDED  
COMPLAINT (Dkt. No. 49) AND  
THE ENTIRE ACTION, AND FOR  
SANCTIONS AGAINST PLAINTIFF**

**MEMORANDUM OF POINTS AND  
AUTHORITIES;**

**DECLARATION OF IRA SPIRO**

**Date and Time of Hearing:**

Date: November 17, 2023

Time: 10:30 a.m.

Before Hon. Josephine L. Staton  
Courtroom 8A, 8<sup>th</sup> Floor

1 PLEASE TAKE NOTICE that on November 17, 2023, at 10:30 a.m., in  
 2 Courtroom 8A of the United States Courthouse at 350 West 1st St., Los Angeles,  
 3 California, the Court will hear Defendant Spiro's Motion to Dismiss with Prejudice  
 4 Plaintiff's Second Amended Complaint filed September 20, 2023 as docket number  
 5 55 and the Entire Action.

6 DEFENDANT SPIRO HEREBY MOVES the Court to dismiss with prejudice  
 7 this entire action and Plaintiff's Second Amended Complaint, filed September 20,  
 8 2023 as docket number 55. The motion is based on this notice, the attached  
 9 memorandum of points and authorities and declaration(s), and any other matters  
 10 submitted by the moving party.

11 The motion is on the grounds that the Second Amended Complaint violates  
 12 Federal Rule of Civil Procedure 8 and therefore should be dismissed with prejudice  
 13 under Rule 12(b)(6) and Rule 41(b), and on the grounds that the violations of Rule 8  
 14 and the Court's orders are sufficiently deliberate to warrant sanctions.

15 **STATEMENT RE CONFERENCE PURSUANT TO LOCAL RULE 7-3.**

16 This motion is made following the conference of counsel pursuant to L.R. 7-3  
 17 which took place on September 12, 2023.<sup>1</sup>

18 Dated: September 26, 2023

19 \_\_\_\_\_/s/\_\_\_\_\_  
 20 Ira Spiro (sued as Robert Ira Spiro)  
 21 Defendant in Propria Persona  
 22 \_\_\_\_\_

23 <sup>1</sup> The conference was after the Second Amended Complaint was improperly  
 24 filed on September 7, 2023 as docket number 49. Then on September 20, 2023,  
 25 Plaintiff filed the same Second Amended Complaint as docket number 55. Even the  
 26 date of Plaintiff's signature on the September 20 Second Amended Complaint is the  
 27 same as on the September 7 Second Amended Complaint, reading "Dated:  
 28 September 7, 2023" (page 121).

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## MEMORANDUM OF POINTS AND AUTHORITIES

### A. PROCEDURAL BACKGROUND

On February 20, 2023, Plaintiff Todd R.G. Hill filed his initial Complaint. On April 5, 2023, the Court issued an order, on its own motion, dismissing the Complaint for violation of F.R.C.P. 8(a) and (d), with leave to amend. The order (pages 1-6) explains in detail why the Complaint was improper, how it violated the Federal Rules, and why it must be dismissed. On April 18, 2023, Plaintiff filed a First Amended Complaint (Dkt. No. 38).

On May 5, 2023, Plaintiff filed a document titled “A Motion for Leave to Supplement Todd R. G. Hill’s First Amended Complaint” (Dkt. No. 40), attaching a proposed “Supplemental First Amended Complaint” ((Dkt. No. 40-1).

Plaintiff did not file or even lodge his proposed “Supplemental First Amended Complaint,” but he did email it to Defendant Spiro on April 5, 2023 the same day he filed the motion. Defendant Spiro, in his opposition to the motion (Dkt. No. 44, pp. 2-3), pointed out that violated the rules the same ways the initial Complaint and First Amended Complaint did. The “Supplemental First Amended Complaint” is 114 pages, with no exhibits, although it refers to the same exhibits as the First Amended Complaint. (Spiro Decl., ¶4. The “Supplemental First Amended Complaint” is Exh. E below.)

On June 7, 2023, the Court issued an order (Dkt. No. 45) that denied Plaintiff’s Motion for Leave to Supplement the First Amended Complaint and dismissed the First Amended Complaint with leave to amend. Section III of the order (pages 3-9) explains in detail, for reasons nearly the same as the May 5, 2023 order, why the First Amended Complaint was improper, how it violated the Federal Rules of Civil Procedure and this Court's Local Rules, and why it must be dismissed. The last paragraph of the order paragraph reads, with emphasis added:

“If Hill still wishes to pursue this action, **he is granted twenty-one (21) days from the date of this Order to file a Second Amended**

1 **Complaint**, attempting to cure the defects in the Complaint described herein.  
 2 The Second Amended Complaint must be complete in itself and not refer in  
 3 any manner to the FAC or the original Complaint. **The Second Amended**  
 4 **Complaint should contain a “short and plain statement” of the claim or**  
 5 **claims for relief, setting forth, in straightforward fashion, the facts**  
 6 **supporting each claim.** See Fed. R. Civ. P. 8(a), (d)(1). All allegations  
 7 should be made in (correctly) numbered paragraphs. See Fed. R. Civ. P.  
 8 10(b).”

9 Plaintiff did not file a Second Amended Complaint within the 21 days the  
 10 Court allotted, or at all, when, on July 27, 2023, the Court issued a Judgment of  
 11 Dismissal (Dkt. No. 47) for failure to file a Second Amended Complaint within the  
 12 21 days allotted.

13 Then, 92 days after the June 7 order giving Plaintiff 21 days to file a Second  
 14 Amended Complaint, on September 7, 2023, Plaintiff did the following:

- 15 1. On September 7, 2023, Plaintiff filed a “Motion for Leave to File a Second  
 16 Amended Complaint and to Set Aside Judgment of Dismissal.” (Dkt. No.  
 17 48).
- 18 2. On the same day, September 7, 2023, **Plaintiff filed a Second Amended**  
 19 **Complaint, even though Plaintiff’s Motion for Leave to File a Second**  
 20 **Amended Complaint had not been granted or even ruled on,** and the  
 21 Judgment of Dismissal had not been set aside.

22 Note that Plaintiff did not file the Second Amended Complaint by mistake.  
 23 He did **not** intend to lodge it but mistakenly file it – he intended to file it. He said so  
 24 in a September 11, 2023 email to Defendant Spiro: “it was my clear intent to file an  
 25 Amended complaint”. (Spiro Decl., ¶ 2. Exh. A.) He was referring to the Second  
 26 Amended Complaint – his email is one in a series in which he and Defendant Spiro  
 27  
 28

1 discussed Spiro's request, on the same day as the email, to confer on this motion  
2 pursuant to Local Rule 7-3.<sup>2</sup>

3 On September 18, 2023, the Court issued an order (Dkt. No. 51) striking the  
4 Second Amended Complaint.

5 Later on September 18, 2023, the Court issued an order (Dkt. No. 54)  
6 granting Plaintiff's motion to set aside the dismissal and ordering Plaintiff to file  
7 any amended complaint within 14 days of the order.

8 Two days later, on September 20, 2023, Plaintiff filed **the same Second**  
9 **Amended Complaint** (Dkt. No. 55) he had improperly filed on September 7.

10 Now Defendant Spiro moves to dismiss the Second Amended Complaint and  
11 the entire action with prejudice.

12  
13 **B. THIS FOURTH CONSECUTIVE COMPLAINT IN VIOLATION**  
14 **OF F.R.C.P. 8 AND THE LOCAL RULES SHOULD RESULT IN**  
15 **DISMISSAL WITH PREJUDICE.**

16 Plaintiff has now grossly violated Federal Rule of Civil Procedure 8(a) and  
17 the Local Rules in four successive complaints: the Initial Complaint, the First  
18 Amended Complaint, the proposed Supplemental Amended Complaint, and now  
19 this Second Amended Complaint. He violated the rules in the same ways each time.  
20 The violations by the Second Amended Complaint (190 pages) are even worse than  
21

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22  
23 <sup>2</sup> As stated above, the conference was after the Second Amended Complaint  
24 was improperly filed on September 7, 2023 as docket number 49. Then on  
25 September 20, 2023, Plaintiff filed the same Second Amended Complaint as docket  
26 number 55. Even the date of Plaintiff's signature on the September 20 Second  
27 Amended Complaint is the same as on the September 7 Second Amended  
28 Complaint, reading "Dated: September 7, 2023" (page 121).

1 First Amended Complaint (75 pages), and worse because of the defiant repetition of  
2 the exact same types of violations.

### 3 **1. AUTHORITY FOR DISMISSAL**

4 **Rule 12(b)(6):** “Dismissal under Rule 8 is proper regardless of whether a  
5 pleading has any merit—the Rule “applies to good claims as well as bad, and is a  
6 **basis for dismissal independent of Rule 12(b)(6).**” (*McHenry v. Renne*, 84 F.3d  
7 1172, 1179 (9th Cir. 1996), quoted in the April 5 order here, p.4, *emph. added.*)

8 **Rule 41(b):** “A complaint which fails to comply with rules 8(a) and 8(e) may  
9 be dismissed with prejudice pursuant to rule 41(b).” (*Nevijel v. North Coast Life Ins.*  
10 *Co.*, 651 F.2d 671, 673 (9th Cir. 1981, internal citations omitted).)

### 11 **Local Rules 83-2.2.3 and 83-2.2.4:**

12 “L.R. 83-2.2.3 Compliance With Federal Rules. Any person appearing pro se  
13 is required to comply with these Local Rules, and with the F.R.Civ.P....”

14 “L.R. 83-2.2.4 Sanctions. Failure to comply with the rules enumerated in L.R.  
15 83-2.2.3 may be grounds for dismissal or judgment by default.

### 16 **Court’s Inherent Authority:**

17 As the Court explained in its Order Dismissing the First Amended Complaint  
18 (Dkt. No. 45, pl 6)):

19 “District courts possess inherent authority to dismiss sua sponte a  
20 pleading that fails to comply with Rule 8. See *Hearns*, 530 F.3d at 1131  
21 [*Hearns v. San Bernadino Police Dep’t*, 530 F.3d 1124, 1131 (9th Cir. 2007)]  
22 (holding that a pleading may be dismissed sua sponte for failure to satisfy  
23 Rule 8); see also *Robert v. First Haw. Bank*, 172 F.3d 58 (9th Cir. 1999)  
24 (upholding district court’s sua sponte Rule 8 dismissal); *Wolfe v. Yellow Cab*  
25 *Co-op., Inc.*, 880 F.2d 417 (9th Cir. 1989) (same).”  
26  
27  
28

## 2. PLENTIFUL GROUNDS FOR DISMISSAL

Even without reading the entire 190 pages of the Second Amended, it is obvious that it violates the Federal Rules of Civil Procedure and the Local Rules in the same ways Plaintiff's previous complaints did – it violates them even more than the First Amended Complaint, which the Court dismissed for violation of those rules. As noted above, on June 7, 2023, the Court issued an order (Dkt. No. 45) that explains in detail (on pages 3-9) why the First Amended Complaint violated the F.R.C.P. and the Local Rules. Following are some examples of violations in the Second Amended Complaint.

**a. IMPROPER INCORPORATION:** The June 7, 2023 dismissal order (Dkt. No. 45) condemns complaints in which “each count incorporates every antecedent allegation by reference”. (Page 6, quotation paragraph.) Yet that is precisely what the Plaintiff's Second Amended Complaint does – each “cause of action” incorporates **all** paragraphs that precede it. Those incorporations are in paragraphs 290, 309, 323, 334, 344, 357, 371, 382, 460, 523, 533, 549, 558, 565, and 569. Each of those paragraphs is the first paragraph of a cause of action. The paragraphs are all virtually identical, except for the paragraph numbers<sup>3</sup> Two examples:

- Paragraph 290, the first paragraph of the second cause of action, reads:  
“290. Todd re-alleges and incorporates by reference each allegation contained in Paragraphs 1 through 289.”
- Paragraph 569, the first paragraph of the sixteenth cause of action reads:  
“569. Todd re-alleges and incorporates by reference each fact or allegation contained in Paragraphs 1 through 568.”

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<sup>3</sup> And except for paragraph 357 (page 74), which incorporates all paragraphs that proceed it except the last one. The last one, paragraph 356, contains the preposterous request “that the Court grant the request for Federal Bar licensure” that would admit Plaintiff into the Bar of this Court, even though he is not a member of the Bar of any state.

1 The April 5 dismissal order criticized Plaintiff's initial complaint for the same  
2 thing (page 3, quotation paragraph).

3 Yet plaintiff repeats, increases this condemned type of incorporation in the  
4 Second Amended Complaint. That can only be considered deliberate contempt for  
5 the Court's orders, roundly deserving of sanctions.

6 **b. SHOTGUN PLEADING:** The June 7 dismissal order also condemns  
7 "Shotgun pleadings ... where the plaintiff uses the omnibus term 'Defendants'  
8 throughout a complaint by grouping defendants together without identifying what  
9 the particular defendants specifically did wrong." (Pages 5-6, quotation paragraph.)  
10 Some examples of shotgun allegations -- 48 of paragraphs copied from the Second  
11 Amended Complaint -- are set out in the Declaration of Defendant Spiro below,  
12 below paragraph 5. Many of them are incorporated into every one of the sixteen  
13 causes of action. Here is one example, in a cause of action the Second Amended  
14 Complaint states (p. 94) is against Defendant Spiro and many other defendants even  
15 though it refers to "Enterprise S," Plaintiff's name for what he imagines is a  
16 conspiracy involving the State Bar and apparently all the defendants:

17 "494. Violations of 18 U.S.C. § 1962(a) RICO Investing Proceeds of  
18 Racketeering; by investing the proceeds of their illegal activities into the  
19 enterprise. Todd here asserts an established violation of 18 U.S.C. § 1962(a)  
20 under RICO, based on credible report and personal experience that the  
21 defendants invested the proceeds of their illegal activities into Enterprise S, as  
22 alter ego of the STATE BAR, to continue the "illusion" of proper regulatory  
23 function in law school regulation. STATE BAR charged fees while failing to  
24 follow mandated administrative procedures to establish due process compliance  
25 for its rulemaking and scope of authority under the APA and CAPA or other  
26 statutes. Here as example, Todd must pay mandatory fees for registration as a  
27 law school student and subsequent testing for the FYLSX. Fees paid here, as part  
28

1 of the ADMISSIONS [program], are not considered included in the “general  
2 fund” and are re-utilized to perpetuate the [program].”

3 **c. EXTRAORDINARILY, DEFIANTLY LONG:** The June 7 dismissal order  
4 (p. 8) criticizes the First Amended Complaint as exceedingly long: “As noted above,  
5 Hill’s FAC – though substantially shorter than the original Complaint – is still  
6 prolix, rambling and excessively long at 75 pages.” Likewise, the April 5 dismissal  
7 order (p. 4) criticizes Plaintiff for his overly long initial Complaint.

8 How does Plaintiff react to these admonitions? He files the present Second  
9 Amended Complaint of 190 pages<sup>4</sup>, two and a half times longer than the pleading  
10 the Court most recently dismissed -- another example of what can only be seen as  
11 deliberate defiance of the Court, worthy of sanctions.

12 Also, did Plaintiff deceive the Court in his motion to set aside the dismissal?  
13 The order granting Plaintiff’s motion states “the Court accepts Plaintiff’s assertions  
14 about his regard for the Court’s Order and finds that the delay was in good faith.”  
15 (Dkt. No. 54, p. 5.) But in view of Plaintiff’s utter disregard of the Court’s orders  
16 concerning his Complaint and First Amended Complaint, could it be true that  
17 Plaintiff really has respects the Court’s orders?

18 **d. INCOHERENT, UNINTELLIGIBLE, DISORGANIZED, BLOATED:**  
19 The June 7 dismissal order (p. 7) criticizes the First Amended Complaint, citing an  
20 opinion in another case: “Rather than setting forth separate claims in a clear,  
21 coherent manner, the Complaint buries its numerous claims within a long series of  
22 dense paragraphs, in no discernable order, mixed in among several pages of  
23 unnecessary legal citations and assertions. Even if the defendants combed through  
24 these paragraphs with great effort, they would fail to ascertain which claims concern  
25 them[.]”

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26  
27  
28 <sup>4</sup> 121 pages followed by 69 pages of exhibits

1 The Second Amended Complaint violates these principles even more than the  
 2 First Amended Complaint. Its section titled “Facts and Common Allegations for All  
 3 Counts” is 38 pages long, 190 paragraphs. **Those paragraphs go on at astonishing**  
 4 **length about a host of assorted subjects. Every one of those 190 paragraphs is**  
 5 **incorporated into every one of the sixteen causes of action.** The subjects quite  
 6 widely varied. Following is a list of them, surely incomplete, because it would take  
 7 a close study of the 190 paragraphs to make it complete:

- 8 ● Events in Plaintiff’s history as a student and board member at Peoples
- 9 College of Law, which are interspersed throughout the 190 paragraphs
- 10 ● The California State Bar Act
- 11 ● The rules of the State Bar governing registered-unaccredited law schools
- 12 ● The bylaws and Student Handbook of Peoples College of Law
- 13 ● An election of board members at Peoples College of Law
- 14 ● Plaintiff’s complaints to the State Bar about supposed violations of Peoples
- 15 College of Law’s own procedural rules
- 16 ● The practices of law schools in general in accepting transfer students
- 17 ● Bar Exam and FYLSX (“Baby Bar”) pass rates at Peoples College of Law
- 18 ● Comparison of law schools regulated by the State Bar and American Bar
- 19 Association law schools
- 20 ● Fundraising by Peoples College of Law
- 21 ● A 2023 State Bar report “entitled ‘Profiles in’” [Sic, paragraph 135]
- 22 ● Supposed misuse of funds of Peoples College of Law
- 23 ● Communications between Peoples College of Law and a former student
- 24 ● The number of units Peoples College of Law assigns to semester classes
- 25 and quarter classes
- 26 ● Plaintiff’s attempt to skip a year of law school and to graduate early
- 27 ● The recording of a Peoples College of Law board meeting held remotely via
- 28 Zoom

- 1           ● Plaintiff's claims that even though he was not elected to be a board member
- 2 in a Peoples College of Law election, he continued to be a board member and officer
- 3 of Peoples College of Law in communicating with the State Bar
- 4           ● A resignation letter by a Peoples College of Law dean
- 5           ● The State Bar's policy of not intervening in disputes between students and
- 6 law schools
- 7           ● The State Bar's regulatory authority over law schools
- 8           ● The State Bar's mission to protect the public
- 9           ● The supposed unfairness of requiring the FYLSX ("Baby Bar" exam)
- 10           ● The "legal services marketplace"
- 11           ● Recruitment of students by Peoples College of Law
- 12           ● Plaintiff's previous California state court lawsuit against Peoples College of
- 13 Law, Defendant Spiro, and many others, which was dismissed in less than a month
- 14           ● forum non conveniens
- 15           ● Plaintiff's application to the State Bar for a "special circumstances
- 16 exception" to the State Bar's rules
- 17           ● Plaintiff's "non spoliation request"
- 18           ● Plaintiff's non-payment of tuition and supposed extortion by Peoples
- 19 College of Law in obtaining tuition payment from Plaintiff for periods when he
- 20 attended the school
- 21           ● Plaintiff's request to the State Bar for an antitrust determination and the
- 22 Bar's supposed "noncompliant responses"
- 23           ● Plaintiff's request or proposal to the State Bar for a plan of study
- 24           ● Plaintiff's participation in a meeting of the State Bar Audit Committee,
- 25 where he informed "the Board of Trustees [sic] of the likely issues with STATE
- 26 BAR policy related to audits and the records-selection process used by the STATE
- 27 BAR believed to facilitate misconduct or its concealment in a manner that raises
- 28 antitrust and transparency concerns." (Paragraph 229)

1           • “December 21, 2022, at 8:30 am, Todd sends email with the subject line of  
2 “Public Comment; Notice of Violation and Imminent Filing; Request for Antitrust  
3 Determination; Supporting Documents” to DAVYTYAN, DURAN, WILSON,  
4 HOLTON, LEONARD, RANDOLPH, HERSHKOWITZ, CARDONA, HOM,  
5 MAZER, CRAWFORD, XIANG, HOPE, CHING, and the general emails of the  
6 OGC, OCTC, CPO, CFO, CAO, KNOWELS, HERMAN, KRAMER, CARDONA,  
7 STALLINGS, CISNEROS, SHELBY, TONEY, AYRAPETYAN, CHEN and other  
8 DEFENDANTS as well as the designated email for antitrust inquiries, including  
9 State Bar employees Teresa Ruano and Joy Nunley. Attached to the email are these  
10 documents: a “Request for Antitrust Determination” accompanied by  
11 “corroborating” documents identified as: (1.) DRAFT PLEADER 12212022; (2.) A  
12 copy of the preservation letter was noticed and sent to both PCL and STATE BAR;  
13 assurances have been requested from both parties to no avail.; (3.) A copy of the  
14 legal basis and justification for such letters, as the duty to preserve evidence was  
15 fairly believed by Todd to attach when the unlawful act was committed but  
16 definitively when it was known likely to end up going through litigation.  
17 (4.) Timeline of events (5.) Election Timeline (6.) Nancy Popp's, draft Election  
18 Committee Report presenting evidence of conspiracy; (7.) Various email chains  
19 Todd asserted demonstrative of wanton and clearly culpable conduct, with  
20 awareness and knowledge of misconduct for over a year at the "highest levels" of  
21 the organization; (8.) A statement of determination and a D7O insurance denial of  
22 claim provided to support Todd's status as officer of the Corporation and unlawful  
23 ouster.; (9.) A document entitled "Opposition #1", submitted by SPIRO and PENA  
24 on behalf of PCL to the court that included erroneous information to the court that  
25 the relevant PCL Defendants failed to correct when timely noticed.” (Paragraph  
26 231)

27           • The State Bar's inspection of Peoples College of Law and State Bar  
28 proceedings following it (the Bar periodically inspects the law schools it regulates)

1       • Plaintiff's attorney misconduct complaints against Defendant Spiro and a  
 2 State Bar attorney (Defendant Spiro did not know that Plaintiff had actually  
 3 submitted any State Bar complaint against him except from Plaintiff's papers in this  
 4 lawsuit, because the State Bar never contacted Mr. Spiro about any complaint by  
 5 Plaintiff. That means that the State Bar took no action against Mr. Spiro on the  
 6 complaint, not even to ask Mr. Spiro to address the complaint.)

7       • State Bar Special Deputy Trial Counsel and the rules governing them

8       • The State Bar's Regulation and Discipline Committee

9       • New State Bar Rule of Prof. Conduct 8.3 regarding reporting of  
 10 professional misconduct

11       • The State Bar's Committee on Access and Fairness, and Plaintiff's  
 12 communications with members of the committee

13       **These subjects, and all the 190 paragraphs that contain them, are**  
 14 **incorporated in every one of the very disparate causes of action. Each of these**  
 15 **paragraphs has little or nothing to do with many or all of the sixteen causes of**  
 16 **action they are incorporated into. The causes of action are:**

17       1. Breach of Contract

18       2. "Common Law Breach of Fiduciary Duty"

19       3. "Breach of Fiduciary Duty Related to Violation of Federal and State  
 20 Administrative Law and Business Practices"

21       4. "Breach of Fiduciary Duty Related to Solicitations in Violation of Business  
 22 and Professions Code Section 17510.8; 5"

23       5. "Untrue or Misleading Statements in Violation of Business & Professions  
 24 Code § 17500"

25       6. "Civil Rights Violations Under 42 U.S.C. § 1981 Provision of Federal Bar  
 26 Licensure"

27       7. "Civil Rights Violations Under 42 U.S.C. § 1981 and Civil Code § 52.1  
 28 (The Bane Act)"

1 8. Negligence

2 9. “Damages Under Racketeer Influenced and Corrupt Organizations Act

3 10. Conspiracy

4 11. “Common Law Extortion”

5 12. “Civil Rights Violations Under 42 U.S.C. § 1983 and Title IX”

6 13. “Civil Rights Violations Under 42 U.S.C. § 1983 and Title IX”

7 14. “Civil Rights Violations Under 18 U.S.C. § 241”

8 15. “Civil Rights Violations Under 18 U.S.C. § 242”

9 16. “Civil Rights Violations Under 18 U.S.C. § 245”

### 11 C. DISMISSAL WITH PREJUDICE

12 Federal Rule of Civil Procedure 41(b) provides (with emphasis added):

13 “(b) INVOLUNTARY DISMISSAL; EFFECT. **If the plaintiff fails to**  
 14 **prosecute or to comply with these rules or a court order**, a defendant may move  
 15 to dismiss the action or any claim against it. **Unless the dismissal order states**  
 16 **otherwise, a dismissal under this subdivision (b)** and any dismissal not under this  
 17 rule—except one for lack of jurisdiction, improper venue, or failure to join a party  
 18 under Rule 19—**operates as an adjudication on the merits.**”

19 “A complaint which fails to comply with rules 8(a) and 8(e) may be dismissed  
 20 with prejudice pursuant to rule 41(b).” (*Nevijel v. North Coast Life Ins. Co.*, 651  
 21 F.2d 671, 673 (9th Cir. 1981, internal citations to four Ninth Circuit cases omitted).)

22 In *Nevijel*, the Court of Appeals affirmed a dismissal with prejudice for  
 23 violation of Rules 8(a) and 8(e) where the District Court gave the plaintiff fewer  
 24 opportunities than this Court has given Plaintiff here, and the complaint and  
 25 amended complaint were less serious violations of Rule 8 than Plaintiff’s Second  
 26 Amended Complaint and all his other complaints. The Court of Appeals explained  
 27 (651 F.2d at 674, internal citations omitted, *emph. added*):

1            “In reviewing the propriety of dismissal under rule 41(b) we should  
2 look to see whether the district court might have first adopted other less  
3 drastic alternatives. These less drastic alternatives include allowing further  
4 amended complaints, allowing additional time, or insisting that appellant  
5 associate experienced counsel. \*\*\*

6            “We hold that no abuse of discretion occurred here. Though there are a  
7 wide variety of sanctions short of dismissal available, the district court need  
8 not exhaust them all before finally dismissing a case. The exercise of his  
9 discretion to dismiss requires only that possible and meaningful alternatives  
10 be reasonably explored, bearing in mind the drastic foreclosure of rights that  
11 dismissal effects.

12           “Here the district court made such reasonable opportunities and  
13 alternatives available to appellant that dismissal was not an abuse of  
14 discretion. **The original complaint**, filed in November 1976, was **verbose**,  
15 confusing and almost entirely conclusory. **It consisted of 48 pages with 14**  
16 **pages of addenda and 9 pages of exhibits.** ... Mr. Cissna did not request  
17 additional time in which to file the amended complaint. **The second**  
18 **complaint was 23 pages long with 24 pages of addenda**, named additional  
19 defendants without leave of court, and was equally as verbose, confusing and  
20 conclusory as the initial complaint.”

21           *Nevijel* bears another resemblance to the present case. In *Nevijel*, Mr. Cissna,  
22 the person who wrote the complaint, was not only the attorney for the plaintiff, he  
23 was also the president of two companies allegedly harmed by the defendants (651  
24 F.2d at 672). The Court of Appeals held as follows about that (651 F.2d at 674-675,  
25 *emph. added*):

26           “This case is one of many in which Mr. Cissna has alleged a wide  
27 ranging conspiracy to harm FOL and FSW. ... **The history of the litigation**  
28

1       **of these other cases also supports the conclusion that the trial court's**  
2       **dismissal of this action was not an abuse of discretion.”**

3       The opinion explained that three previous cases brought by Mr. Cissna were  
4 dismissed because of violations of Rule 8.

5       Here, recall that Plaintiff Hill filed a state court lawsuit against Peoples  
6 College of Law, Mr. Spiro and many others who are defendants in the present action  
7 (Case No. 22AVRO000363). Mr. Hill filed the lawsuit on March 16, 2022. It was  
8 dismissed on April 8, 2022 at the first hearing. It was improperly filed under the  
9 Civil Harassment Restraining Order statute, Code of Civil Procedure section 527.6.  
10 Because of Mr. Hill’s disregard of the statute, the Superior Court dismissed the case,  
11 stating “this court is not the appropriate forum for what Petitioner is seeking”.  
12 (Exhibit C to Spiro Decl., below.) Even though the only relief available in a Civil  
13 Harassment Order lawsuit is an anti-harassment restraining order, Mr. Hill sought  
14 the following, as stated in what functioned as his petition or complaint<sup>5</sup> (a copy is  
15 Exhibit B to the Spiro declaration below):

16       “I. Recovery of Personal Property

17       “II Production of Documents

18       “III. Protective Order

19       “IV. Relief for work performed under fraudulent circumstances, quantum  
20 meruit”

21       Plaintiff is a habitual violator of laws and court rules. In the above ways and  
22 many other ways, he violated the Civil Harassment statute, much as he violated the  
23 Federal Rules of Civil Procedure and the Local Rules here.

---

24  
25  
26  
27       <sup>5</sup> Mr. Hill placed his allegations in a Civil Case Cover Sheet Addendum, not a  
28 proper place for allegations.

Moreover, his allegations in the state court lawsuit are the same as many of his allegations in the present case, sometimes verbatim the same, as shown in the seventh through thirteenth pdf pages of Exhibit B.

Also, in the state court lawsuit as here, Mr. Hill improperly bulked up the Court's record with a 45-page "Affidavit" that reads like a complaint, strikingly similar to the Complaint and Amended Complaints here. A copy of the "Affidavit" is Exhibit C to the Spiro declaration below.

#### **D. SANCTIONS**

Sanctions are authorized here under the Local Rules 83-7, 2.2.3 and 83-2.2.4:

**"L.R. 83-7 Sanctions - Violation of Rule.** The violation of or failure to conform to any of these Local Rules may subject the offending party or counsel to:

"(a) monetary sanctions, if the Court finds that the conduct was willful, grossly negligent, or reckless;

"(b) the imposition of costs and attorneys' fees to opposing counsel, if the Court finds that the conduct rises to the level of bad faith and/or a willful disobedience of a court order; and/or

"(c) for any of the conduct specified in (a) and (b) above, such other sanctions as the Court may deem appropriate under the circumstances."

**"L.R. 83-2.2.3 Compliance With Federal Rules.** Any person appearing pro se is required to comply with these Local Rules, and with the F.R.Civ.P., F.R.Crim.P., F.R.Evid. and F.R.App.P.

**"L.R. 83-2.2.4 Sanctions.** Failure to comply with the rules enumerated in L.R. 83-2.2.3 may be grounds for dismissal or judgment by default."

This is a most appropriate situation for the Court to use these rules and its inherent powers to sanction recalcitrant parties. Sanctions are the only way to

1 protect the Court and the defendants. Plaintiff, and he was not deterred by the  
2 Court's April 5 or June 7 orders dismissing his pleadings without prejudice. He files  
3 what he wants to file, regardless of whether it complies with rules and laws or not.  
4 And he files the same accusations over and over, in state court, this Court, and with  
5 the State Bar. Plaintiff has crossed the line into vexatious litigation.

6 Defendant Spiro does not ask for money sanctions in favor of himself, but  
7 rather a money sanction payable to the Court and other sanctions aimed at  
8 staunching Plaintiff's apparently inexorable misconduct, perhaps an order that  
9 Plaintiff may not file any further papers in this Court without first obtaining written  
10 permission from the Court.

11  
12 **E. CONCLUSION**

13 This action and the Second Amended Complaint should be dismissed with  
14 prejudice. Sanctions should be imposed against Plaintiff. At this point a great deal  
15 more than dismissal without prejudice should be done to rein in this litigant.

16 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

17 "The undersigned party certifies that this brief contains 4057 words, which  
18 complies with the word limit of L.R. 11-6.1.

19 Respectfully submitted,

20 September 26, 2023

21 \_\_\_\_\_/s/\_\_\_\_\_  
22 Ira Spiro (sued as Robert Ira Spiro)  
23 Defendant in Propria Persona  
24  
25  
26  
27  
28

## DECLARATION OF IRA SPIRO

Ira Spiro declares:

1. On September 12, 2023, I had the conference of counsel pursuant to L.R. 7-3 by telephone. We spoke for about 20 minutes.

2. On September 11, 2023, I received an email from Plaintiff Hill. A true copy of it is attached as Exhibit A. In the next-to-last paragraph, Plaintiff states: “it was my clear intent to file an Amended complaint.”

3. Attached hereto are copies of the following documents from Plaintiff’s Los Angeles Superior Court lawsuit, Case No. 22AVRO000363:

Exhibit B, Civil Case Cover Sheet Addendum

Exhibit C, Dismissal order

Exhibit D, “Affidavit” of Hill

Exhibit E, Plaintiff’s “Supplemental First Amended Complaint,”

4. Plaintiff did not file or even lodge his proposed “Supplemental First Amended Complaint,” but he did email it to me on April 5, 2023 the same day he filed the motion. I had to review it and in my opposition to the motion (Dkt. No. 44, pp. 2-3), I pointed out that violated the rules the same ways the initial Complaint and First Amended Complaint did. The “Supplemental First Amended Complaint” is 114 pages, with no exhibits, although it refers to the same exhibits as the First Amended Complaint. It appears Plaintiff simply did not email me the exhibits.

5. Immediately below are 48 paragraphs copied from the Second Amended Complaint, all of them examples of allegations that make the Second Amended Complaint an improper shotgun pleadings:

“80. Todd alleges that all the Defendants share responsibility for the harm and its remedy as a matter of statutory imperative and duty under CBPC §6001.1 establishing the paradigm responsibility of the State Bar “Protection of the public” as the highest priority of State Bar actors. Here, where the question of negligence and conduct facilitating negligence, over the span of years arises due

1 to the “shifting and whose tenure may extend for decades, leave for additional  
2 discovery is requested as a reasonable and fundamental requirement for  
3 adjudicating facts.”

4 “99. PCL DEFENDANTS have failed to respond to multiple “qualified  
5 demands” for the production of documents under California Business and  
6 Professions Code (“CBPC”) Section § 8330.”

7 “109. PCL DEFENDANTS failed to provide Todd with access to board  
8 meeting minutes, zoom recordings by former President GONZALEZ, and the  
9 accounting and books held by PENA and BOUFFARD as Treasurer, as required.  
10 No other PCL DEFENDANT acted in accordance with duty after receipt of  
11 multiple demands for the production of documents per CBPC §8330.

12 “111. PCL Defendants engaged in various violations of fair business and debt  
13 collection practices through deceit, misrepresentation, or negligence in  
14 documenting, facilitating, and collecting property, including charitable  
15 solicitations.”

16 “159. On November 21, 2021, ALL PCL DEFENDANTS are believed to  
17 have met while blocking Todd’s participation as a rightfully elected incumbent  
18 and without appropriately obtaining his resignation or curing the issues with the  
19 election. This meeting took place remotely, over Zoom, and thus is believed to”  
20 [Sic. That is the end of the paragraph.]

21 “161. PCL DEFENDANTS devised a series of rules to punish and expel Todd  
22 from the educational institution in retaliation for his compliance activities.”  
23 [subparagraphs follow]

24 “273. That PCL DEFENDANTS:

25 “a) engaged in violations of fair business and debt collection practices  
26 through deceit, misrepresentation, or negligence in documenting, facilitating,  
27 and collecting property, including charitable solicitations.  
28

1 “b) Planned and acted in concert to retaliate against Todd by the above  
2 and as exemplar created new PCL Student Handbook Rules 1.1.13 & 1.1.14  
3 in November 2021;

4 “c) continuing to hold meetings and act as a Board in protracted  
5 conflict with the Bylaws;

6 “d) PCL DEFENDANTS planned to repudiate and in fact did flout the  
7 obligation, believed based on the plain language of STATE BAR rules, to  
8 provide the student with “4 years” of education consisting of a minimum of  
9 “270 hours” each year.”

10 “e) STATE BAR DEFENDANTS, including WILSON, DURAN,  
11 SOWELL, TONEY, STALLINGS, LEONARD, CHING, HOLTON,  
12 DAVYTYAN, CARDONA,” [sic, this is end of subparagraph e)]

13 “275. That PCL DEFENDANTS' breach of contract was a substantial factor  
14 in causing Todd's harm, such as a.) hindering his engagement with the STATE  
15 BAR or others regarding PCL's non-compliance; b.) undercutting his academic  
16 status due to PCL DEFENDANTS' failure to submit accurate records timely to  
17 the STATE BAR.”

18 “276. Todd believes it is likely demonstrated that the Defendants breached  
19 their duties to Todd in his capacity as a student and in his capacity as Secretary  
20 of the Corporation.”

21 “277. The DEFENDANTS breached the fiduciary duties of loyalty they had  
22 with Todd for educational services by failing to provide the quality of education  
23 or administrative oversight they promised when they assumed their roles. Todd  
24 was recruited by defendants SPIRO and PENA, who signed a contract in their  
25 official capacity to enroll Todd in their law school programs subject to regulatory  
26 oversight by the State Bar promising compliance or “good faith” efforts at  
27 maintaining compliance. Here, Todd paid for this education with the expectation  
28 that it would be of a certain quality and value. Yet the defendants failed to

1 provide adequate instruction, resources, and support, and then failed to act or  
2 intervene when made expressly aware of their duties and that the conduct being  
3 engaged in flouted the rules applicable to the regulation of unaccredited fixed  
4 facility law schools.

5 “279. That PCL DEFENDANTS' failure to provide the requested documents  
6 violated Todd’s rights as a student and as a member of the Corporation,  
7 impeding his ability to address concerns related to the quality of education,  
8 administrative oversight, and regulatory compliance at the institution.

9 “280. The PCL DEFENDANTS, by breaching their fiduciary duties and  
10 failing to provide the expected quality of education and support, caused Todd to  
11 suffer both financial and emotional harm, as well as to experience a loss of  
12 opportunity and potential damage to his future professional prospects.”

13 “282. Todd asks the Court to hold the PCL DEFENDANTS accountable for  
14 their breaches of duty and failures, in order to ensure that future students are not  
15 similarly harmed and to promote transparency, accountability, and compliance  
16 with applicable regulations and standards in the field of legal education. When  
17 Defendants were informed, expressly of the issues related to the management of  
18 elections, they chose to maintain “ultra vires” circumstance and made additional  
19 “ultra vires” policies.”

20 “283. The Defendants failed to exercise duties of due care by failing to  
21 properly adhere to the mandates of the Bylaws.

22 “284. The Defendants failed to exercise duties of due care in addressing  
23 compliance issues, including the adequate recordkeeping and provision of notice.

24 “285. The Defendants breached the duty of loyalty because when provided  
25 with the opportunity to cure without likely negative consequence, they  
26 intentionally failed to do so and retaliated against students and the stated mission  
27 of the Bylaws.

28

1 “286. The defendants engaged in a pattern of conduct, including failure to  
2 properly apply, use, and enforce administrative procedures, and conspired to  
3 engage in illegal racketeering activities, including arbitrary and exclusionary  
4 policy enforcement to the detriment of a specific targeted market or speech and  
5 Todd. These activities breach the contract for educational services, as the  
6 defendants willfully failed to provide an environment that was conducive to  
7 learning and the advancement of Todd’s legal education.”

8 “288. Todd seeks relief for the damage suffered because of the  
9 DEFENDANTS' breach of fiduciary duties, failure to provide the quality of  
10 education and support promised, and their refusal to provide necessary  
11 documentation for Todd to pursue his claims.

12 289. Todd asks the Court to grant appropriate remedies to redress the harms  
13 suffered, including, but not limited to, compensatory damages, injunctive relief  
14 requiring the DEFENDANTS to provide the necessary documentation, and any  
15 other relief the Court deems just and proper.”

16 “325. PCL solicited and received tuition and other services from a targeted  
17 subset of the public. The acceptance of these fees established a charitable trust  
18 and a fiduciary duty on the part of the Defendants to ensure that the tuition was  
19 used for the purposes stated during the solicitation under an implied promise that  
20 the services offered would meet the standards set for professional licensure.”

21 “329. Todd is informed and believes and on it alleges that only a nominal  
22 amount of the funds collected as student tuition were used for the stated purpose  
23 by PCL DEFENDANTS. Instead, nearly all the funds solicited were used to pay  
24 fundraising or other “operating expenses” or benefiting others.”

25 “337. PCL DEFENDANTS conduct resulted in various breaches of core  
26 principles of “good faith” in contracting, fiduciary relationships as a Board  
27 Member and Officer, and several violations of rule or law around business  
28

1 practices and the submission of official records improperly created and filed with  
2 State agencies.”

3 “385. Here, PCL DEFENDANTS refers to all previously associated named  
4 directors and officers of either PCL or Enterprise P, named and appearing  
5 immediately below the caption for this Ninth cause of action.”

6 “338. The defendants' actions were willful, wanton, and oppressive, justifying  
7 the imposition of punitive and exemplary damages.

8 “364. Todd alleges that the defendants interfered with his rights secured by  
9 the Constitution and laws of the United States, and of the rights secured by the  
10 Constitution and laws of the State of California, including the right to due  
11 process, the right to free speech, and the right to be free from retaliation for  
12 reporting misconduct. These rights were interfered with through coercion based  
13 on nonviolent threats with severe consequences, including intimidation,  
14 retaliation, ostracism, and slander.”

15 “367. The essence of a Bane Act claim is that the defendants, by improper  
16 means, tried to or did prevent Todd from doing something he had the right to do  
17 under the law or to force Todd to do something that he was not required to do  
18 under the law. The defendants' actions, including their use of official transcripts  
19 as currency for administrative purposes, their misrepresentation of State Bar  
20 rules, and their unfair practices of unit issuance under the "color of law," all  
21 aimed at frustrating Todd's attempts to hold the defendants accountable for their  
22 misconduct.

23 “368. Therefore, if the finder of fact concurs that Todd is a member of a  
24 minority protected class and the Defendants, including PCL and the State Bar,  
25 engaged in conduct intentionally or otherwise discriminated to the detriment of  
26 Todd in fashion likely to yield disparate and similar injuries to students like  
27 Todd.  
28

1 “400. PCL DEFENDANTS, and each of them, committed mail and wire fraud  
2 by the continuous use of the mail, the internet, emails and texts to accomplish  
3 their purpose of extorting money from Todd. As a result of Defendants' violation  
4 of RICO, 18 U.S.C. § 1962(c) and (d), Todd has suffered damages in an amount  
5 to be determined at trial, including, but not limited to, out of pocket costs and  
6 tuition payments, interference with business relationships, loss of future  
7 earnings, Todd's monetary payment to Defendants and the damages resulting  
8 from the failure to offer him classes or his degree, defamatory publications  
9 intended to damage Todd's name, goodwill and reputation in the marketplace  
10 irrevocably.

11 “430. Defendant Peoples College of Law (PCL) and all PCL Defendants  
12 either participated in or failed to intervene in unfair business practices related to  
13 PCL's advertising, recruitment, administration, misrepresentations, extortion,  
14 conversion, conspiracy, constructive fraud, and other conduct that likely violates  
15 RICO and Antitrust statutes, operating an enterprise for unlawful purposes.

16 “456. Violations of 18 U.S.C. § 1962(a) RICO Investing Proceeds of  
17 Racketeering; by investing the proceeds of their illegal activities into the  
18 enterprise. Todd here asserts an established violation of 18 U.S.C. § 1962(a)  
19 under RICO, based on credible report and personal experience that the  
20 defendants invested the proceeds of their illegal activities into Enterprise S, as  
21 alter ego of the STATE BAR, to continue the “illusion” of proper regulatory  
22 function in law school regulation.”

23 “471. The State Bar's violation of the Federal Administrative Procedure Act  
24 and State CAPA statutes, failure to perform Constitutional review of statutes,  
25 rules, or procedures, implementation and enforcement of underground rules and  
26 procedures, and capricious and arbitrary use and application of determination or  
27 decision-making authority all constitute unlawful, unfair, or fraudulent business  
28 practices under California Business and Professions Code sections § 17200 and §

1 17500, although separate as causes or acts, suggests the DEFENDANTS  
2 concerted action. All relevant and proven violations here Todd will allege are  
3 also “predicate acts” for purposes of RICO determination.”

4 “475. PCL DEFENDANTS did not request, nor did they receive written  
5 resignation from Todd. Because the PCL DEFENDANTS are both expressly and  
6 constructively aware of these issues yet act in clear disregard, it strongly suggests  
7 concerted action for singular purpose.”

8 “477. · At all times relevant, the PCL DEFENDANTS failed to act in good  
9 faith, in the best interests of PCL and its student community, and with such care  
10 as an ordinarily prudent person in a like position would use under similar  
11 circumstances.”

12 “494. Violations of 18 U.S.C. § 1962(a) RICO Investing Proceeds of  
13 Racketeering; by investing the proceeds of their illegal activities into the  
14 enterprise. Todd here asserts an established violation of 18 U.S.C. § 1962(a)  
15 under RICO, based on credible report and personal experience that the  
16 defendants invested the proceeds of their illegal activities into Enterprise S, as  
17 alter ego of the STATE BAR, to continue the “illusion” of proper regulatory  
18 function in law school regulation. STATE BAR charged fees while failing to  
19 follow mandated administrative procedures to establish due process compliance  
20 for its rulemaking and scope of authority under the APA and CAPA or other  
21 statutes. Here as example, Todd must pay mandatory fees for registration as a  
22 law school student and subsequent testing for the FYLSX. Fees paid here, as part  
23 of the ADMISSIONS pogrom, are not considered included in the “general fund”  
24 and are re-utilized to perpetuate the pogrom.” [Sic]

25 “522. Todd alleges that the Defendants acted willfully, maliciously and  
26 fraudulently in coercing Todd to pay Defendants under threat and coercion and  
27 duress, and intentionally depriving Todd of not only the money paid to  
28

1 Defendants, but the right under due process to receive the award of his degree,  
2 thereby justifying an award of punitive damages.”

3 “526. Here, PCL DEFENDANTS refers to all previously associated named  
4 directors and officers of either PCL or Enterprise P, named and appearing  
5 immediately below the caption for this Eleventh cause of action.”

6 “542. DEFENDANTS violated STATE BAR guidelines and regulations,  
7 which resulted in the denial of Todd's rights to due process and equal protection  
8 under the law because the defendants were aware of the required conduct at the  
9 time of negligent or intentional lapse.”

10 “545. Todd alleges that the Defendants acted willfully, maliciously, and  
11 fraudulently in coercing Todd to pay Defendants under threat and coercion and  
12 duress, and intentionally depriving Todd of not only the money paid to  
13 Defendants, but the due process right to lawfully obtain his degree, thereby  
14 justifying an award of punitive damages.”

15 I declare under penalty of perjury that the foregoing is true and correct and  
16 was executed at Los Angeles, California on September 26, 2023.

17  
18 \_\_\_\_\_/s/  
Ira Spiro

**PROOF OF SERVICE**  
**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I reside in the State of California, County of Los Angeles. My business address is 10573 West Pico Blvd. #865, Los Angeles, CA 90064.

On September 28, 2023, I served the document described as DEFENDANT SPIRO'S MOTION UNDER F.R.C.P. 41(b) AND 12(b)(6) TO DISMISS WITH PREJUDICE PLAINTIFF'S SECOND AMENDED COMPLAINT (Dkt. No. 49) AND THE ENTIRE ACTION, AND FOR SANCTIONS AGAINST PLAINTIFF on the interested parties in this action by placing: [ ] the original [xx] true copies thereof enclosed in sealed envelopes, addressed as follows to interested parties as follows (or as stated on the attached service list):

Todd R. G. Hill  
 41459 Almond Avenue  
 Quartz Hill, Ca 93551

☒ **BY MAIL:** I deposited the envelope(s), with postage prepaid, in the United States Mail (United States Postal Service) at Los Angeles, California.

☐ **BY MAIL PER BUSINESS PRACTICES:** I placed the document(s) in a sealed envelope for collection and mailing following ordinary business practices. I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the U.S. Postal Service, Under that practice, the envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

☐ **BY ELECTRONIC TRANSMISSION:** On the date set forth below I caused to be transmitted the document(s) listed above on the parties listed herein at their most recent known e-mail address(s) or e-mail of record in this action before 6:00 p.m. I hereby certify that this document was served from Los Angeles, California.

☐ **BY PERSONAL SERVICE:** I delivered the document, enclosed in a sealed envelope, by hand to the offices of the addressee(s) named herein.

☐ **BY OVERNIGHT DELIVERY:** I am "readily familiar" with this firm's practice of collection and processing correspondence for overnight delivery. Under that practice, overnight packages are enclosed in a sealed envelope with a packing slip attached thereto fully prepaid. The packages are picked up by the carrier at our offices or delivered by our office to a designated collection site.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed September 28, 2023 at Los Angeles, California.

Ira Spiro  
 Type or Print Name

/s/

Signature